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10/679,241	10/06/2003	Thierry Furet	2182.0370007/MBR/TAD	8476

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EXAMINER	
EKPO, NNENNA NGOZI	
ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	**Application No.** 10/679,241	**Applicant(s)** FURET ET AL.
	Examiner NNENNA N. EKPO	**Art Unit** 2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,22,24-26,40,41,43,44 and 57* is/are pending in the application.

4a) Of the above claim(s) *4-21,23,27-39,42,45-56 and 58-68* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,22,24-26,40,41,43,44 and 57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/07/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 22, 24-26, 40-41, 43-44 and 57 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-3, 24-26, 40, 43 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwabara et al. (EP 0746119) in view of Broadwin (U.S. Patent No. 5,903,816) and Arias et al. (U.S. Patent No. 6,118,976).

5. Regarding **claim 1**, Kuwabara et al. discloses a method of transmitting a television programme and other data, comprising:

a receiver/decoder (disclosed in Fig. 4) and a communications centre (see fig. 6), wherein the receiver/decoder, operating in a television mode, is configured to:

extract (via demux 1104 in fig. 4) such a television programme from the digital datastream; and

supply the extracted television programme (TV programs, col. 32 ll. 21) to a television (TV monitor, col. 32 ll. 24-35); and

wherein the receiver/decoder, operating in Internet mode, is configured to:

use a modem (modem 1108, fig. 4) to communicate with a communications centre;

receive an Internet request from the user (request is made by a user via remote control 1109, col. 33 ll. 17-22; wherein the request is for the internet data, see col. 33 ll. 41-52);

transmit the Internet request via the modem to the communications centre (see modem 1108 and information center 1, col. 33 ll. 15-17);

wherein, the communications centre is configured to:

receive such an Internet request (see modem 1108 and information center 1, col. 33 ll. 15-17);

obtain from the Internet a response to the received Internet request (see searches and locates D21, col. 33 ll. 52-59); and

supply the Internet response to the transmitting system (creates a multimedia packet shown in fig. 1 which is fed to the broadcast system satellite transmitting antenna 1313, see col. 34 ll. 1-49);

at the transmitting system, integrating the supplied Internet response into the digital datastream (this multimedia packet is multiplexed (integrated) into the digital datastream by MUX 1310, see col. 34 l1.34-36); and

at the receiver/decoder, in the Internet mode, extracting the Internet response from the digital datastream (by means of a demux 1104) and supplying the extracted Internet response to the user (displaying the information d21 to the user, see col. 35 l1.29-30).

However, Kuwabara et al. fails to specifically disclose at a transmitting system, integrating into a digital datastream an application code for an application for causing the receiver/decoder to operate in an Internet mode; and transmitting the digital datastream containing at least one television programme.

Broadwin, an inventor from the same or a similar field, discloses at a transmitting system, integrating (multiplexing via encoder/multiplexer 106, see col. 5 ll. 11-13) into a digital datastream an application code (interactive application code, see col. 5 ll. 3-5) for an application for causing the receiver/decoder to operate in another mode (the application code when extracted and executed causes the STB to display selection option, wherein the selection options comprise still images related to the video content that the user is watching (see col. 9 ll. 21-41). Broadwin also discloses that additional images can be displayed based upon a user request, wherein these images are from a media/Internet server (see claims1, 17 and 18). The application code therefore made a change in the operation mode of the receiver/decoder, where before the code was received only video content was displayed and after the code was received/extracted and executed the receiver/decoder retrieves and displays image data related to the video content and allows for interactive content to be requested by the user from an internet server, which would constitute a different operating mode for the receiver/decoder. Further, since data is received from a media/internet server after the application code was executed, the operating mode would also meet the limitation "internet mode" as well (see claims 17 and 18);

and transmitting the digital datastream containing at least one television programme (the datastream containing the application code and the video content is transmitted to a STB (set top box/receiver/decoder), disclosed in fig. 3); at a user's receiver/decoder:

receiving the digital datastream (datastream received from broadcast channel disclosed in fig. 3);

in a download mode (download mode is inherent to Broadwin's invention since the STB is receiving (downloading) the information from the head-end with the video content),

extracting the application code from the digital datastream (application code is extracted from the datastream by means of a demultiplexer 302, shown in fig. 3); and in the download mode, starting the application (see execution of the interactive content, col. 9 l1.23-28; see OpenTV application, col. 7 l1.6-24) defined by the extracted application code to cause the receive/decoder to operate in another mode (see explanation above).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of having a receiver/decoder with television mode and internet mode of Kuwabara with the method of integrating application code in the digital data stream, extracting the application code from the digital data stream, starting the application defined by the extracted application code to cause the receiver/decoder to operate in internet mode of Broadwin for the benefit of allowing broadcasters/advertisers to retrieve and display data related to the video content the user is watching from the internet.

However, Kuwabara and Broadwin fail to specifically disclose receiving an internet request via a public switched telephone network (PSTN) connection and sending a data packet, over the PSTN connection, containing information to enable the receiver/decoder to extract the internet response sent over a satellite link.

In an analogues art, Arias et al. discloses receiving an internet request via a public switched telephone network (PSTN) connection and sending a data packet, over the PSTN connection, containing information to enable the receiver/decoder to extract the internet response sent over a satellite link (see abstract, col. 3, lines 38-57, col. 5, lines 38-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kuwabara and Broadwin's invention with the above mentioned limitation as taught by Arias et al. for the advantage of providing a terminal capable of establishing a return path to the broadcaster via the public switched telephone network.

Regarding **claim 24**, Kuwabara discloses a digital television receiver/decoder, comprising:

datastream receiving means for receiving a digital datastream (receiver/decoder disclosed in Fig. 4),

extracting means (extracting means is disclosed demux 1104 in fig. 4) for extracting a television programme (TV broadcasting programs see col. 34 I1.35), and an Internet response from the received datastream television supplying means for supplying the extracted television programme to a television (supplying means is disclosed as receiver/decoder in fig.4; response to internet response is disclosed as D21, col. 34 I1. 43-49);

user input interface means for receiving an Internet request from the user in Internet mode (user interface means is disclosed as GUI, see col. 45 II. 50-59 and remote control col. 33 II. 18-22) (request is made by a user via remote control 1109, col. 33 II. 17-22; wherein the request is for the internet data, see col. 33 II. 41-52).

However, Kuwabara doesn't disclose wherein the received digital datastream comprises an application code integrated into the digital datastream before transmission, wherein the application code is for an application that, when executed, causes the receiver/decoder to operate in an Internet mode; extracting the application code;

wherein the receiver/decoder starts the application defined by the extracted application code to cause the receiver/decoder to operate in the Internet mode.

Broadwin, an inventor from the same or a similar field, discloses wherein the received digital datastream comprises an application code integrated (interactive application code, see col. 5 I1.3-5) into the digital datastream before transmission (at the head- end/broadcast center as shown in fig. 10), wherein the application code is for an application that, when executed, causes the receiver/decoder to operate in another mode (the application code when extracted and executed causes the STB to display selection option, wherein the selection options comprise still images related to the video content that the user is watching (see col. 9 I1.21-41). Broadwin also discloses that additional images can be displayed based upon a user request, wherein these images are from a media/Internet server (see claims1, 17 and 18). The application code therefore made a change in the operation mode of the receiver/decoder, where before the code was received only video content was displayed and after the code was received/extracted and executed the receiver/decoder retrieves and displays image data related to the video content and allows for interactive content to be requested by the user from an internet server, which would constitute a different operating mode for the receiver/decoder. Further, since data is received from a media/internet server after the application code was executed, the operating mode would also meet the limitation "internet mode" as well (see claims 17 and 18);

extracting the application code (by means of a demultiplexer 302 in the receiver/decoder, see fig. 3)

wherein the receiver/decoder starts the application (see execution of the interactive content, col. 9 l1.23-28; see OpenTV application, col. 7 l1.6-24) defined by the extracted application code to cause the receiver/decoder to operate in another mode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify television receiver/decoder having a television mode and internet mode of Kuwabara with the receiver/decoder integrating application code in the digital data stream, extracting the application code from the digital data stream, starting the application defined by the extracted application code to cause the receiver/decoder to operate in internet mode of Broadwin for the benefit of allowing broadcasters/advertisers to retrieve and display data related to the video content the user is watching from the internet.

However, Kuwabara and Broadwin fail to specifically disclose receiving an internet request via a public switched telephone network (PSTN) connection and sending a data packet, over the PSTN connection, containing information to enable the receiver/decoder to extract the internet response sent over a satellite link.

In an analogues art, Arias et al. discloses receiving an internet request via a public switched telephone network (PSTN) connection and sending a data packet, over the PSTN connection, containing information to enable the receiver/decoder to extract the internet response sent over a satellite link (see abstract, col. 3, lines 38-57, col. 5, lines 38-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kuwabara and Broadwin's invention with the above mentioned limitation as taught by Arias et al. for the advantage of providing a terminal capable of establishing a return path to the broadcaster via the public switched telephone network.

Regarding **claim 43**, Kuwabara discloses a communications and digital television transmission system, comprising:

a transmitting system for transmitting a digital datastream containing at least one television programme (transmission system disclosed in fig. 3)
a communications centre (information center 1 in fig. 3) operable to receive an Internet request (request is made by a user via remote control 1109, col. 33 II. 17-22;

wherein the request is for the internet data, see col. 33 I1.41-52) from a user's modem (modem in fig. 4), to obtain from the Internet a response to the received Internet request (see searches and locates D21, col. 33 I1.52-59) and to supply the Internet response to the transmitting system (creates a multimedia packet shown in fig. 1 which is fed to the broadcast system satellite transmitting antenna 1313, see col. 34 I1.1-49);

the transmitting system being operable to integrate (By means of a multiplexer, Mux 1310, see col. 34 I1.32-39) the supplied Internet response into the digital datastream.

However, Kuwabara doesn't disclose wherein the digital datastream comprises an application code integrated into the digital datastream, wherein the application code is for an application that, when executed, causes a receiver/decoder configured to receive the digital datastream to operate in an Internet mode,

wherein the receiver/decoder is configured to extract the application code and start the application to operate in Internet mode.

Broadwin, an inventor from the same or a similar field, discloses wherein the application code is for an application that, when executed, causes the receiver/decoder to operate in another mode (the application code when extracted and executed causes the STB to display selection option, wherein the selection options comprise still images related to the video content that the user is watching (see col. 9 II. 21-41). Broadwin also discloses that additional images can be displayed based upon a user request, wherein these images are from a media/Internet server (see claims1, 17 and 18). The application code therefore made a change in the operation mode of the receiver/decoder, where before the code was received only video content was displayed and after the code was received/extracted and executed the receiver/decoder retrieves and displays image data related to the video content and allows for interactive content to be requested by the user from an internet server, which would constitute a different operating mode for the receiver/decoder. Further, since data is received from a media/internet server after the application code was executed, the operating mode would also meet the limitation "internet mode" as well (see claims 17 and 18); and

wherein the receiver/decoder is configured to extract the application code (via demultiplexer 302 in fig. 3) and start the application (interactive program, see col. 9 ll. 23-34) to operate in another mode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify communications and digital television transmission system having a receiver/decoder with television mode and internet mode of Kuwabara with the system of integrating application code in the digital data stream, extracting the application code from the digital data stream, starting the application defined by the extracted application code to cause the receiver/decoder to operate in internet mode of Broadwin for the benefit of allowing broadcasters/advertisers to retrieve and display data related to the video content the user is watching from the internet.

However, Kuwabara and Broadwin fail to specifically disclose receiving an internet request via a public switched telephone network (PSTN) connection and sending a data packet, over the PSTN connection, containing information to enable the receiver/decoder to extract the internet response sent over a satellite link.

In an analogues art, Arias et al. discloses receiving an internet request via a public switched telephone network (PSTN) connection and sending a data packet, over the PSTN connection, containing information to enable the receiver/decoder to extract the internet response sent over a satellite link (see abstract, col. 3, lines 38-57, col. 5, lines 38-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kuwabara and Broadwin's invention with the above mentioned limitation as taught by Arias et al. for the advantage of providing a terminal capable of establishing a return path to the broadcaster via the public switched telephone network.

Regarding **claims 2 and 25**, Kuwabara, Broadwin and Arias et al. discloses everything claimed as applied above (*see claims 1 and 24*). Kuwabara discloses wherein the extracted Internet response is supplied to the user by being displayed on the television (see fig. 6).

Regarding **claims 3 and 26**, Kuwabara, Broadwin and Arias et al. discloses everything claimed as applied above (*see claims 1 and 24*). Broadwin discloses wherein the requested data is supplied to the user from a transmission system via a computer connected to the receiver/decoder (see col. 5 lines 37-53) a computer output port is inherent, when connecting the receiver/decoder to a computer.

Regarding **claim 40**, Kuwabara, Broadwin and Arias et al. discloses everything claimed as applied above (*see claim 24*). Broadwin discloses wherein the extracting means (demultiplexer 302 in the receiver/decoder, see fig. 3) is operable to extract application code (see OpenTV in fig. 3) from the digital datastream; and further including processing means (see CPU 314 in fig. 3) operable to start an application defined by the extracted application code (see step 424, execute the interactive program, fig. 5).

Regarding **claim 44**, Please see the rejection of claim 43. This limitation has been addressed.

Claims 22, 41 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwabara et al. (EP 0746119) in view of Broadwin (U.S. Patent No. 5,903,816) and Arias et al. (U.S. Patent No. 6,118,976) as applied to *claims 1, 24 and 43* above, and further in view of Dokic (US Patent No. 5,959,659).

Regarding **claims 22, 41 and 57**, Kuwabara and Broadwin disclose the method of claim 1, television receiver/decoder of claim 24 (as discussed previously). Kuwabara discloses that the transmitting system transmits the digital data stream in an MPEG format, and the data other than the television programme(s)is included in the MPEG data stream.

Kuwabara is silent as to transmitting the other data "in at least one private section of the MPEG stream."

Dokic, an inventor from the same or a similar field, discloses transmitting data other than television programme(s)in the private section of the MPEG data stream. Dokic goes on to say that "the MPEG standard sets forth the syntax for an MPEG-2 transport stream that contains audio, video, and private data" (see co1.1 lines 28-31. Since sending data other than television programme(s) in "at least one private section of the MPEG stream" was part of the MPEG standard, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the invention of Kuwabara, Broadwin, Arias et al. and the teachings of Dokic in order to be able to send data other than television programme(s) in an MPEG transport stream.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/
Patent Examiner
June 29, 2009.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425